

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RICHARD C. ABB, et al.,

Plaintiff,

v.

Case No. 14-C-1195

WAUPACA COUNTY, et al.,

Defendant.

ORDER

Plaintiffs William and Jean Minks have filed a motion to dismiss their claims in the above action. They seek dismissal without prejudice and without costs. The defendants do not object to the motion, but request that Plaintiffs be directed to file a further amended complaint to remove the allegations of damage to the Minks. Defendants also reserve their right to object to and seek costs for any further amendments seeking to reinstate William or Jean Minks as plaintiffs in the action.

The motion to dismiss without prejudice and without costs is granted. The request that the plaintiffs be directed to file a further Complaint is denied. This would only result in additional costs both to the plaintiffs in preparing such a complaint and to the defendants in being required to file a new Answer. Since the Minks are no longer parties to the action, it is difficult to see how Defendants are prejudiced by the previous complaint. Whether evidence of damage to the Minks would be admissible is a question for trial. Finally, should the Minks seek

to reinstate their claim, the Court can consider any objection and request for costs by defendants at that time. Accordingly, the Motion to Dismiss the claims of the Minks is hereby granted.

SO ORDERED this 4th day of February, 2015.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court